

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

PRECISION APPLIANCE REPAIR SM, LLC CIVIL ACTION NO. 18-cv-0295

VERSUS CHIEF JUDGE HICKS

CARNIVAL CORP. MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

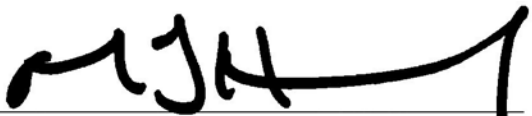
Precision Appliance Repair SM, LLC filed this civil action against Carnival Corporation to allege violations of the Telephone Consumer Protection Act based on marketing calls to the plaintiff's cell phone. The complaint is signed by Clinton Strange as owner/operator of the plaintiff LLC.

“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” 28 U.S.C. § 1654. Almost all courts have held that this statute “does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” Rowland v. California Men's Colony, 113 S.Ct. 716, 721 (1993). The Fifth Circuit has long followed the rule that corporations, partnerships or other “fictional legal persons” cannot appear for themselves personally but must be represented by licensed counsel. Southwest Express Co. v. Interstate Commerce Commission, 670 F.2d 53, 55 (5th Cir. 1982). See also Memon v. Allied Domecq Qsr, 385 F.3d 871, 873 (5th Cir. 2004); U.S. v. Trowbridge, 251 F.3d 157 (5th Cir. 2001); and KMA, Inc. v. General Motors Acceptance Corp., 652 F.2d 398, 399 (5th Cir. 1981).

There is no indication that the complaint filed in this case was signed by a person who is an attorney admitted to the bar of this court. The Fifth Circuit has affirmed a district court that struck a pleading offered by an entity that purported to appear through a non-lawyer. Donovan v. Road Rangers Country Junction, Inc., 736 F.2d 1004, 1005 (5th Cir. 1984). But the Court suggested in Memon that a district court should expressly warn or formally order the entity to retain counsel before the court takes the harsh measures of striking pleadings or dismissing claims with prejudice. Memon, 385 F.3d at 874.

Precision Appliance Repair SM, LLC is advised that it must enroll an attorney who is admitted to practice before this court by **April 6, 2018** or its complaint will be subject to being stricken or otherwise dismissed. An individual such as Mr. Strange may represent himself pro se, but the law does not allow him to represent another person or company unless he is an admitted attorney.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 13th day of March, 2018.



Mark L. Hornsby
U.S. Magistrate Judge